

HOOVER CITY COUNCIL MINUTES OF MEETING

DATE: August 15, 2016

TIME: 6:00 P.M.

PLACE: Hoover Municipal Center

PRESENT: Mayor Gary Ivey
Mr. Jack Wright, Council President
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Ms. Leslie Klasing, Waldrep Stewart & Kendrick
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Nic Waddell, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Amanda Borden, Library
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Mike Lewis, Director, Human Resources
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director
Chief Chuck Wingate, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

1. REPORTS

Mr. Wright recognized **Dr. Murphy, Hoover City Schools Superintendent**, in the audience. Dr. Murphy introduced the Hoover City Schools Assistant Superintendent, Dr. Tera Simmons from Butler County and she also recognized Stephen Presley and Craig Kelly, Hoover City Schools Board of Education members in the audience. Mr. Wright thanked them for attending.

Mr. Wright then acknowledged a **Boy Scout** in the audience. **Samarth Kumar** stated he is with **Troop 007** and is working on the Communications Merit Badge.

Mr. Wright announced that **Judge Julie Palmer** was present in the audience. Judge Palmer came forward to address the Council and the audience and asked for their support of her candidacy for re-election as Circuit Judge, Jefferson County.

Mr. Wright announced that the Proclamation for Duchenne Muscular Dystrophy Awareness Day would be deferred to September 6, 2016.

Mr. Wright stated that Mr. Smith had some introductions to make. Mr. Smith asked Mr. Bragg Scroggins to come forward and tell about the Miss Hoover pageant and how it has been redeveloped and expanded. Mr. Bragg Scroggins stated he is the Co-Executive Director of the Miss Hoover pageant for the second year along with Keith Brashier who is also the Co-Executive Director. He introduced the two new title holders; **Miss Hoover 2017, Bailey Kennon** and **Miss Hoover's Outstanding Teen 2017, Reagan Handley**. Miss Handley spoke to the Council and audience about her platform for growing healthy hearts, working with children and adults learning healthy eating habits and exercise habits. She stated she hopes to implement her platform in Hoover City Schools. Miss Kennon spoke to the Council and audience. She stated she is a student at UAB and her platform is about dating with purpose. She wants to address a gap she sees in sex education in the schools; she will speak to students about the importance of self-value and self-worth and learning to set emotional and physical boundaries. Mr. Scroggins thanked the Council for the opportunity to address them.

2. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the August 1, 2016 regular meeting and the August 11, 2016 work session.

Mr. Smith made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Admiral Natter. Mr. Wright called for discussion. There being none, on voice vote the motion carried unanimously.

3. **RESCHEDULE SEPTEMBER 5, 2016 MEETNG TO TUESDAY, SEPTEMBER 6, 2016**

Admiral Natter made a motion to reschedule the Monday, September 5, 2016 City Council meeting to Tuesday, September 6, 2016 due to the Labor Day holiday. This motion was seconded by Admiral Natter. On voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5447-16 – AMEND BUDGET FYE 9/30/16**

The City Attorney read Resolution No. 5447-16. This would amend the budget for the FYE 09/30/16.

Mr. Smith made a motion to approve **Resolution No. 5447-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council or the audience. Mr. Greene asked Chief Derzis to speak about the armored rescue vehicle. Chief Derzis stated he is asking to purchase the rescue vehicle out of the drug fund at a cost of approximately \$265,000. He said it is a complete armored vehicle and if they ever have to rescue a police

officer or a citizen they can put that between them and the threat. He said that in Dallas and Baton Rouge, if you listen to some of the audio, the first thing they did was call for the Bear Cat. He stated that when something like that happens there's no opportunity to go to Birmingham or Tuscaloosa who already have this same vehicle. He explained that the drug funds are available and the drug dealers will actually be purchasing this for us. Admiral Natter asked about the time of delivery of this vehicle, Chief Derzis said approximately five to six months. There being no further discussion on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5448-16 – AUTHORIZE INSTALLATION OF FIRE HYDRANT ON LORNA ROAD FOR O'REILLY AUTO PARTS.**

The City Attorney read Resolution No. 5448-16. This would authorize the installation of a fire hydrant on Lorna Road for the O'Reilly Auto Parts store.

Admiral Natter made a motion to approve **Resolution No. 5448-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried. Mr. Smith abstained.

6. **RESOLUTION NO. 5449-16 – AUTHORIZE MAYOR TO EXECUTE COURT REFERRAL OFFICER CONTRACT WITH THE STATE OF ALABAMA ADMINISTRATIVE DIRECTOR OF COURTS JUDICIAL BRANCH.**

The City Attorney read Resolution No. 5449-16. This would authorize the Mayor or his designee to execute a contract and any other necessary documents with the State of Alabama Administrative Director of Courts Judicial Branch for a court referral officer.

Mr. Smith made a motion to approve **Resolution No. 5449-16**. This motion was seconded by Mr. Greene and Admiral Natter. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5450-16 – DECLARE VEHICLES AS SURPLUS TO BE SOLD AT ON-LINE PUBLIC AUCTION.**

The City Attorney read Resolution No. 5450-16. This would declare vehicles as surplus to be sold at on-line public auction.

Mr. Smith made a motion to approve **Resolution No. 5450-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council. Mr. Greene asked if the auction would be an on-line auction. Mr. Yeager replied it would start there and that otherwise the vehicles would be auctioned in October. Mr. Smith asked if there were minimum bids required that would explain why they may not sell online. Mr. Yeager said that was yet to be determined.

There being no further discussion, on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5451-16 AUTHORIZE MAYOR TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF HELENA REGARDING SHARED USE OF A WATER TOWER LOCATED AT 4664 SOUTH SHADES CREST ROAD OWNED BY THE CITY OF HELENA**

The City Attorney read Resolution No. 5451-16. This authorizes the Mayor to execute a memorandum of understanding with the City of Helena regarding shared use of a water tower located at 4664 South Shades Crest Road owned by the City of Helena. It would be used by the City to mount a communications antennae and equipment to support public safety communications.

Mr. Smith made a motion to approve **Resolution No. 5451-16**. This motion was seconded by Admiral Natter. Mr. Wright called for discussion from the Council. Mr. Greene asked if there would be any charge for this service. Chief Derzis replied there would be no charge.

There being no further discussion from the Council or the audience, on voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5452-16 AUTHORIZE MAYOR TO EXECUTE LEASE AGREEMENT BETWEEN CITY OF HOOVER AND BITE FAMILY PARTNERSHIP, LTD. REGARDING THE LEASE OF A BUILDING LOCATED AT 3515 LORNA RIDGE DRIVE.**

The City Attorney read Resolution No. 5452-16. This authorizes the Mayor to execute a lease agreement with the Bite Family Partnership, LTD for a building located at 3515 Lorna Ridge Drive for use as a police training facility.

Admiral Natter made a **motion to table** Resolution No. 5452-16. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none on voice vote the motion carried unanimously.

10. **ABC APPLICATION (020-RESTAURANT RETAIL LIQUOR) FOR FORMOSA INCORPORATED D/B/A FORMOSA CHINESE RESTAURANT, 2109 LORNA RIDGE LANE.**

Mr. Wright stated this is a request for approval of an ABC Application (020-Restaurant Retail Liquor) for Formosa Incorporated d/b/a Formosa Chinese Restaurant, 2109 Lorna Ridge Lane. This is a new application on a previously approved site with the same owner.

Mr. Lyda made a motion to approve the ABC Application. This motion was seconded by Admiral Natter and Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

11. **ABC APPLICATION (020-RESTAURANT RETAIL LIQUOR) FOR B MAP LLC D/B/A TASTE OF THAILAND, 3321 LORNA ROAD, STE. 3**

Mr. Wright stated this is a request for approval of an ABC Application (020-Restaurant Retail Liquor) for B MAP LLC d/b/a Taste of Thailand, 3321 Lorna Road, Ste. 3. This is a new business at a previously approved location.

Mr. Lyda made a motion to approve the ABC Application. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

12. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RETAIL BEER AND RETAIL TABLE WINE (OFF PREMISES ONLY)– FRED’S STORE #1840 – 3317 LORNA ROAD AND APPROVAL OF ABC APPLICATION**

Mr. Wright stated this is the public hearing to consider the request of Fred's Store #1840 for **conditional use** approval to allow the sale of retail beer and retail table wine, off premises only, at Fred's located at 3317 Lorna Road. This property is owned by Fred's Store of Tennessee, Inc., and is zoned C-2 Community Business District. (*PZ Case #C-1215-19*)

Mr. Lyda made a motion to approve the **conditional use**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Lyda made a motion to approve the **ABC Application** for Fred's Store of Tennessee, Inc. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

13. **PUBLIC HEARING – CONDITIONAL USE – SALE OF RESTAURANT RETAIL LIQUOR – VECCHIA PIZZERIA AND MARCATO – 610 PRESERVE PARKWAY, SUITE 100 AND APPROVAL OF ABC APPLICATION**

Mr. Wright stated this is the public hearing to consider the request of Mr. Bernard Tamburello for **Conditional Use** approval for the sale of **Restaurant Retail Liquor** at Vecchia Pizzeria and Marcato located at 610 Preserve Parkway, Suite 100. This property is owned by The Preserve Village Developers, LLC, and is zoned PUD PC Planned Commercial. (*PZ Case #C-0716-09*)

Mr. Lyda made a motion to approve the **conditional use**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Lyda made a motion to approve the **ABC Application** for Vecchia Pizzeria and Marcato. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

14. **PUBLIC HEARING – REZONE LOT 2, GREYSTONE 3rd SECTOR, LOCATED AT THE CORNER OF CAHABA VALLEY ROAD AND GREYSTONE WAY - 2ND READING ORDINANCE NO. 16-2311**

Mr. Wright stated this is the public hearing to consider the request of Mr. Joey Breighner, Walter Schoel Engineering, to rezone Lot 2, Greystone 3rd Sector, located at the corner of Cahaba Valley Road and south side of Greystone Way from NZ (Not Zoned) to C-2 (Community Business District) (P&Z Case #Z-0716-07). The property is owned by EBSCO.

Ms. Mary Sue Ludwig, 3500 Shandwick Place, Hoover, Alabama came forward to address the Council. Ms. Ludwig stated she has lived there for 25 years. She said she currently serves on the Greystone Residential Association Board of Directors and chairs the governmental affairs committee. She has served on the governing body of the homeowner's association for over 20 years. She explained they have dealt with traffic, apartments, healthcare facilities, water and sewer and the influx of businesses that were not compatible with their area. She said that for the most part they have been successful in keeping their area thriving and held to a standard that makes for a desirable place to live and raise children. She stated this is due in large part to the cooperation of the governmental officials working with them. At the present time they have one more large parcel of property that abuts their

subdivision that is ready to be sold and developed. She said they are being asked to rezone a parcel of the property to C-2 commercial and that Greystone has no problem with that. They have known that commercial use is the intent for the property. She said the property at one time was owned by the developer of Greystone and carried with it covenants and restrictions that ran with the property when it was sold to EBSCO and those covenants require developer approval. She said they would like for this property to be developed within the parameters of the standards set out in the covenants as written by the developer. She stated EBSCO has been gracious to meet with her and they have assured her they are interested in protecting the integrity of this property, however, she noted they also have an interest in maximizing their investment of this site. She explained that they would like Hoover to retain site plan approval of the actual development that goes on the site. She said she is asking on behalf of the Greystone community to give the residents the opportunity to be involved in any of the discussions of the development of said property. They ask for Hoover to exercise its right of site plan approval and hold hearings so they may be aware of what is being considered. She stated they felt this was only right as it is the residents that will have to live with the results. She thanked the Council for their past and continued support.

Admiral Natter asked Ms. Ludwig if she is here as a member of the Board of Directors of the Greystone Residential Association and if she spoke for the association or only as an individual. Ms. Ludwig replied she speaks as a member of the association and as an individual.

Mr. Smith asked Bob House if the property owner has any opportunity to waive any responsibilities to the City and secondly is any of this property within the Greystone Planned Unit Development (PUD). Mr. House replied that none of the property is within the Greystone PUD. He stated the subject property is currently not zoned and is requesting C-2 zoning the same as the rest of the EBSCO property. Mr. House said this piece of property is subject to the Greystone Architectural Review Committee requirements so any development on this property has to be approved by the architectural committee. He stated that is not the case with all of the property; conditional uses will have hearings, and permitted uses will not have hearings. He said there have been both. The Brookwood Hospital emergency room is a permitted use and did not have a hearing and there are two uses coming up in the next couple of months that will be conditional uses and there will be hearings for those. He explained that there will not be public hearings for every building built on that property; just conditional uses. Mr. Smith asked if properties that are responsible to the ARC would come before the City and Mr. House responded they may have to do both or it may just go to the ARC. He said the shopping center that is contemplated for the property is a conditional use. If they have a freestanding building with just general retail use and it's not a shopping center it would be a permitted use. Mr. House said they will have to see what is proposed for each parcel and at that time determine what hearings would be necessary. Mr. Smith asked if advertising would be required for any public hearings the city is going to hold. Mr. House replied that is correct and he said Ms. Ludwig is on the Clerk's list for notifications of the meeting agendas. He said that for all zoning and conditional uses property owners within 500 ft. of the subject property are notified and that is usually adequate to get the word out into the community. Mr. Lyda said that in this case there is not a house in Greystone within

500 ft. of this subject property. Mr. House said that is correct. Mr. House again confirmed that Ms. Ludwig will receive a copy of the meeting agendas.

Mr. Wright asked for any additional questions or comments from the Council or the audience. There were none.

The City Attorney had the second reading of Ordinance No. 16-2311.

Mr. Smith made a motion to adopt **Ordinance No. 16-2311**. This motion was seconded by Admiral Natter.

Mr. Wright called for comments or questions from the City Council or the audience. There being none, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried unanimously.

15. **PUBLIC HEARING – REZONE TWO PARCELS LOCATED AT 821 ALFORD AVENUE AND 2120 TYLER ROAD FROM A-1 AGRICULTURE DISTRICT TO PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT. - 2ND READING ORDINANCE NO. 16-2312**

Mr. Wright announced a public hearing to consider the request of Mr. Joseph A. Miller, III, MTM Engineers, Inc. to rezone two parcels (approximately 8.96 acres) located at 821 Alford Avenue and 2120 Tyler Road from A-1 Agriculture District to PRD Planned Residential Development District. This property is owned by R. W. Carlton and Patricia Clark.

Mr. Smith made a **motion to withdraw** Ordinance No. 16-2312. The motion was seconded by Admiral Natter. Mr. Wright called for comments or questions. There being none the motion carried unanimously.

16. **SET PUBLIC HEARINGS FOR TUESDAY, SEPTEMBER 6, 2016 AT 6 PM**

Mr. Wright stated public hearings are hereby set for Tuesday, **September 6, 2016 at 6:00 p.m.** to consider the following requests which come forward with a positive recommendation from the 08/08/16 Planning and Zoning Commission meeting:

- a. David VanVurst, representing Vanree LLC, d/b/a SkyZone Sports Kennesaw, is requesting **Conditional Use** approval for a trampoline park to be located at 1694 Montgomery Highway, Ste #210. DLC Management Corporation is the property owner and the property is zoned C-2 Community Business District. *PZ Case #C-0816-10*
- b. Engineering Design Group, LLC, is requesting an amendment to the International Park PUD to be known as the **International Park Second Sector (Lot 7 PUD Amendment)** to allow the construction of a roadway through Lot 7 which will provide access to an adjacent property. The adjacent property will be developed as a park for the City of Vestavia Hills. The City of Vestavia Hills is the property owner. The property is zoned PUD PO (Planned Office).

17. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Rives. Mr. Wright called for questions or comments. There being none, on voice vote the motion carried unanimously.

Mr. Wright called for additional comments or questions from the Council or the audience.

Admiral Natter asked Dr. Murphy to please bring everyone up to date on the status of the potential transfer of Berry High School to the City of Vestavia. Dr. Murphy said that as everyone is aware, the Board approved the sale of Berry and the Council approved the deannexation of the property. She explained that they have been engaged in a number of conversations with the Department of Justice and the legal defense fund and have answered their questions. She said they have now submitted a motion to the federal judge asking for approval for the sale of that property. She stated she has no idea of a timeline but she does know that Vestavia remains extremely interested in the property and they remain extremely committed to the sale of the property. Dr. Murphy said that as soon as they know something they will advise the City.

Judge Lynneice Washington came forward and addressed the Council and the audience. She asked for their support of her candidacy for the office of District Attorney for the Bessemer cut-off division of Jefferson County.

Mr. Arnold Singer, 613 Riverhaven Place next addressed the Council. He said he missed the Thursday work session but he was glad to see that the decision with regard to the police training center has been tabled for the time being. He stated he went to the public safety center on Valleydale Road and saw a number of areas in the northeast quadrant outside the building that would be perfect for construction of such a facility. He said there is a safe area enclosed for police vehicles that would be covered. He said that training requiring computers can also be done there. He thinks it would be a great location. He said that several years ago he attended a Board of Education retreat at old Berry. They took everyone through the building and he saw the conditions that existed and they were not the best. He said if a deteriorating gym was a great situation for training then it was a great facility. He said from an economic point of view, a safety point of view and being on city property, the public safety center would be the best bet.

Mr. Wright asked for any additional comments or questions, there were none. He said he appreciated Dr. Murphy attending the meeting tonight. The meeting was then adjourned.

Margie Handley, City Clerk